

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 469

Introduced by Senator Bowen

(Coauthors: Senators Alquist, Kuehl, and Speier)

*(Coauthors: Assembly Members Canciamilla, Chan, Jones, Mullin,
Oropeza, and Pavley)*

February 18, 2005

An act to amend Section 101 of, and to add Sections 336.7, 357.3, and 9011.5 to, the Elections Code, relating to petitions , *and declaring the urgency thereof, to take effect immediately* .

LEGISLATIVE COUNSEL'S DIGEST

SB 469, as amended, Bowen. Petitions: initiative, referendum, recall.

Under existing law, an initiative petition must contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill instead would require an initiative, referendum, or recall petition to reflect, in specified language, whether it is being circulated by a paid circulator or by a volunteer.

This bill would define “volunteer” and “paid circulator.”

This bill would additionally require any state or local initiative, referendum, or recall petition circulated by a committee, as defined, to include a disclosure statement identifying the 5 largest cumulative contributors in support of the measure, as specified. The bill would require that if more than 5 donors meet this disclosure threshold at identical contribution levels, the 5 highest donations be disclosed according to chronological sequence and if the major donors share a common employer, the identity of the employer be disclosed. The bill

would require this disclosure statement to be updated within 7 days of any change in the 5 largest cumulative contributors.

By imposing additional requirements on local elections officials with respect to petitions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101 of the Elections Code is amended
2 to read:

3 101. Notwithstanding any other provision of law, any state or
4 local initiative, referendum, or recall petition required to be
5 signed by voters shall contain in 12-point type, prior to that
6 portion of the petition for voters' signatures, printed names, and
7 residence addresses, the following language:

8 (a) If the petition is circulated by a paid circulator the phrase
9 "PAID CIRCULATOR" shall appear in 24-point type above the
10 following language which shall appear in 12-point type:

11 "NOTICE TO THE PUBLIC

12

13 THIS PETITION IS BEING CIRCULATED BY A PERSON
14 WHO IS BEING PAID TO COLLECT SIGNATURES."

15 (b) If the petition is being circulated by a volunteer the phrase
16 "VOLUNTEER CIRCULATOR" shall appear in 24-point type
17 above the following language which shall appear in 12-point
18 type:

19 "NOTICE TO THE PUBLIC

20

1 THIS PETITION IS BEING CIRCULATED BY A
2 VOLUNTEER.”

3 SEC. 2. Section 336.7 is added to the Elections Code, to read:

4 336.7. “Paid circulator,” for the purpose of circulating an
5 initiative, referendum, or recall petition, means a person who is
6 compensated in any manner for collecting petition signatures to
7 qualify a state or local initiative, referendum, or recall measure.

8 SEC. 3. Section 357.3 is added to the Elections Code, to read:

9 357.3. “Volunteer,” for the purpose of circulating an
10 initiative, referendum, or recall petition, means a person who is
11 not a paid circulator.

12 SEC. 4. Section 9011.5 is added to the Elections Code, to
13 read:

14 9011.5. (a) (1) Notwithstanding any other provision of law,
15 any state or local initiative, referendum, or recall petition
16 required to be signed by voters and circulated by a committee
17 formed pursuant to Section 82013 of the Government Code shall
18 include, in 12-point type at the top of the petition, a disclosure
19 statement identifying the five largest cumulative contributors in
20 support of the measure.

21 (2) In the event that more than five donors meet this disclosure
22 threshold at identical contribution levels, the five highest
23 donations shall be disclosed according to chronological
24 sequence.

25 (3) The disclosure statement required by paragraph (1) shall be
26 updated within seven days of any change in the five largest
27 cumulative contributors.

28 (b) Any committee that circulates an initiative, referendum, or
29 recall petition shall print on the petition, immediately following
30 the disclosure statement required pursuant to subdivision (a), its
31 name and identify itself using a name or phrase that clearly
32 identifies the economic or other special interest of its major
33 donors.

34 (c) If the major donors share a common employer, the identity
35 of the employer shall also be disclosed.

36 (d) As used in this section, “cumulative contributions” means
37 the cumulative amount of contributions received by a committee
38 beginning 12 months prior to the date the committee made its
39 first expenditure to qualify or support the measure.

1 SEC. 5. If the Commission on State Mandates determines that
 2 this act contains costs mandated by the state, reimbursement to
 3 local agencies and school districts for those costs shall be made
 4 pursuant to Part 7 (commencing with Section 17500) of Division
 5 4 of Title 2 of the Government Code.

6 *SEC. 6. This act is an urgency statute necessary for the*
 7 *immediate preservation of the public peace, health, or safety*
 8 *within the meaning of Article IV of the Constitution and shall go*
 9 *into immediate effect. The facts constituting the necessity are:*

10 *In order that the changes proposed by this act go into effect as*
 11 *soon as possible, it is necessary that this act take effect*
 12 *immediately.*

13

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15 **CORRECTIONS:**

16 **Digest – Pages 1 and 2.**

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